

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

THE STATE OF OHIO,

and

THE UNITED STATES OF AMERICA,

Plaintiffs,

v.

Civil Case No. 23-cv-517
Hon. John R. Adams

NORFOLK SOUTHERN RAILWAY
COMPANY,

and

NORFOLK SOUTHERN CORPORATION,

Defendants.

STATUS REPORT

The United States hereby submits this Status Report in accordance with the April 15, 2024 Case Management Plan.

1. Discovery That Has Occurred During the Reporting Period

The United States and Norfolk Southern reached agreement on a settlement, which was lodged with the Court on May 23, and which the United States moved the Court to enter on October 10. Thus, the United States and Norfolk Southern have not been engaged in discovery since the United States served interrogatories and requests for production on May 1.

2. Settlement Discussions That Have Occurred During the Period

The United States and Norfolk Southern reached agreement on a settlement, which was lodged with the Court on May 23, and which the United States moved the Court to enter on

October 10. The settlement, if approved, would resolve all the claims in the United States' complaint, so no further settlement discussions have occurred.

3. Motions That Have Been Filed or Remained Pending During the Reporting Period

On October 10, after careful review of all public comments received on or near the deadline, the United States filed a Motion to Enter Consent Decree. That motion remains pending before the Court.

On June 14, the United States and Norfolk Southern moved this Court for a stay of deadlines in the Case Management Plan due to having reached a settlement. The time for opposing the motion has elapsed and no opposition has been raised. The motion remains pending before the Court.

4. Developments That Might Give Rise to a Request to Deviate from the Schedule Outlined in the Case Management Plan

The United States and Norfolk Southern moved this Court for a stay of deadlines in the Case Management Plan due to having reached a settlement.

Respectfully submitted,

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